

SENATE AMENDMENTS

2nd Printing

By: Goldman

H.B. No. 3215

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the authority of a licensed auctioneer to sell a
3 business that owns vehicles without engaging in business as a motor
4 vehicle dealer.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 503.024(d), Transportation Code, is
7 amended to read as follows:

8 (d) For the purposes of Section 503.021, a licensed
9 auctioneer is not engaging in business as a dealer by, as a bid
10 caller, selling or offering to sell property, including a business
11 that holds the title to any number of vehicles, to the highest
12 bidder at a bona fide auction if:

13 (1) legal or equitable title does not pass to the
14 auctioneer;

15 (2) the auction is not held to avoid a requirement of
16 this chapter; and

17 (3) for an auction of vehicles owned legally or
18 equitably by a person who holds a general distinguishing number,
19 the auction is conducted at the location for which the general
20 distinguishing number was issued.

21 SECTION 2. This Act takes effect September 1, 2017.

ADOPTED

MAY 24 2017

Leta Spaw
Secretary of the Senate

By: Schwertner

H.B. No. 3215

Substitute the following for H.B. No. 3215:

By: Brandon Creighton

C.S. ___B. No. _____

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the authority of a person to sell property without
3 engaging in business as a motor vehicle dealer.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Sections 503.024(b) and (d), Transportation
6 Code, are amended to read as follows:

7 (b) For the purposes of Section 503.021, a person is not
8 engaging in business as a dealer by:

9 (1) selling or offering to sell, if the sale or offer
10 is not made to avoid a requirement of this chapter, a vehicle the
11 person acquired for personal or business use to:

12 (A) a person other than a retail buyer if not sold
13 or offered through a licensed auctioneer; or

14 (B) any person if the sale or offer is made
15 through a licensed auctioneer [~~if the sale or offer is not made to~~
16 ~~avoid a requirement of this chapter~~];

17 (2) selling, in a manner provided by law for the forced
18 sale of vehicles, a vehicle in which the person holds a security
19 interest;

20 (3) acting under a court order as a receiver, trustee,
21 administrator, executor, guardian, or other appointed person;

22 (4) selling a vehicle the person acquired from the
23 vehicle's owner as a result of paying an insurance claim if the
24 person is an insurance company;

1 (5) selling an antique passenger car or truck that is
2 at least 25 years of age; or

3 (6) selling a special interest vehicle that is at
4 least 12 years of age if the person is a collector.

5 (d) For the purposes of Section 503.021, a licensed
6 auctioneer is not engaging in business as a dealer by, as a bid
7 caller, selling or offering to sell property, including a business
8 that holds the title to any number of vehicles, to the highest
9 bidder at a bona fide auction if:

10 (1) legal or equitable title does not pass to the
11 auctioneer;

12 (2) the auction is not held to avoid a requirement of
13 this chapter; and

14 (3) for an auction of vehicles owned legally or
15 equitably by a person who holds a general distinguishing number,
16 the auction is conducted at the location for which the general
17 distinguishing number was issued.

18 SECTION 2. This Act takes effect September 1, 2017.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 25, 2017

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB3215 by Goldman (Relating to the authority of a person to sell property without engaging in business as a motor vehicle dealer.), **As Passed 2nd House**

<p>No fiscal implication to the State is anticipated.</p>

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 608 Department of Motor Vehicles

LBB Staff: UP, SD, CL, TG

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 17, 2017

TO: Honorable Kelly Hancock, Chair, Senate Committee on Business & Commerce

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB3215** by Goldman (Relating to the authority of a person to sell property without engaging in business as a motor vehicle dealer.), **Committee Report 2nd House, Substituted**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 608 Department of Motor Vehicles

LBB Staff: UP, CL, TG

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 4, 2017

TO: Honorable Kelly Hancock, Chair, Senate Committee on Business & Commerce

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB3215 by Goldman (Relating to the authority of a licensed auctioneer to sell a business that owns vehicles without engaging in business as a motor vehicle dealer.), **As Engrossed**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 608 Department of Motor Vehicles

LBB Staff: UP, CL, TG

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 8, 2017

TO: Honorable John Kuempel, Chair, House Committee on Licensing & Administrative Procedures

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB3215 by Goldman (Relating to the authority of a licensed auctioneer to sell a business that owns vehicles without engaging in business as a motor vehicle dealer.), **As Introduced**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 608 Department of Motor Vehicles

LBB Staff: UP, CL, TG